

House Bill 1084

By: Representative Tumlin of the 38th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated,
2 relating to local government code enforcement boards created on or after January 1, 2003,
3 so as to eliminate the prohibition on local governments from requiring the registration of
4 residential rental property; to provide that probable cause shall be determined by a court of
5 competent jurisdiction; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated, relating to
10 local government code enforcement boards created on or after January 1, 2003, is amended
11 by striking Code Section 36-74-30, relating to other enforcement methods and probable cause
12 for investigation required, and inserting in lieu thereof the following:

13 "36-74-30.

14 (a) It is the intent of this article to provide an additional or supplemental means of
15 obtaining compliance with local codes. Nothing contained in this article shall prohibit a
16 local governing body through its code inspector from enforcing its codes by any other
17 lawful means including criminal and civil proceedings; provided, however, that a local
18 governing body shall not pursue a specific instance of an alleged violation of an ordinance
19 against one violator before both a code enforcement board and a magistrate, municipal, or
20 other court authorized to hear ordinance violations.

21 (b) No local government is authorized to perform investigations or inspections of
22 residential rental property pursuant to this chapter unless there is probable cause to believe
23 there is or has been a violation or violations of applicable codes, ~~and in no event may a~~
24 ~~local government require the registration of residential rental property.~~ Conditions which

- 1 appear to be code violations which are in plain view may form the basis for probable cause.
2 Probable cause shall be determined by a court of competent jurisdiction."

3 **SECTION 2.**

- 4 All laws and parts of laws in conflict with this Act are repealed.